THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17612 of 2007

DATED: 22.10.2007

Between:
J. Suresh, S/o. Narayana Rao
and others.

… PETITIONERS

And:
The Commissioner,
Narayanpet Municipality,
Narayanpet, Mehabubnagar District and others.

…**RESPONDENTS**

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17612 of 2007

ORDER:

The substantive grievance in the writ petition is that the first respondent has failed to consider the representation, dated 30.07.2007, and has failed to move against the illegal and unauthorized constructions by respondents 2 to 5.

The first respondent has filed a counter-affidavit, dated 08.09.2007. It is stated therein that the second respondent had approached the first respondent on 23.03.2002 for permission to construct a compound wall for the house bearing Door No.1-6-84 situated at Satyanarayana Temple Road, Narayanpet, Mahabubnagar District. Permission was granted on 30.03.2002. But the second respondent failed to execute the work for which permission was sought. Respondents 2 to 5 filed applications before the first respondent for permission for construction of workshop and house on 10.11.2006. Permission was granted by the first respondent on the basis of the report of the building inspector. Thereafter, respondents 2 to 5 constructed about 17 mulgies in the ground floor and by encroaching on the 33 feet road. They have also made constructions on the first floor by projecting balconies on to the road. In view of the deviations in the constructions by respondents 2 to 5 and in view of the representation of the petitioner, dated 30.07.2007, the first respondent-Municipality has issued notices under Section 228 (2) of the Andhra Pradesh Municipalities Act, 1965 on respondents 2 to 5 and is

proceeding to take action for removal of the unauthorized and deviant constructions. The petitioners are, therefore, not correct in alleging that the first respondent has not initiated measures, is the defence.

In view of the counter-affidavit filed on behalf of the first respondent, it is apparent that the first respondent has initiated action against respondents 2 to 5 in respect of unauthorized and deviant constructions. This action has been initiated on the basis of the representation of the petitioner, dated 30.07.2007.

In the circumstances, no abdication of statutory obligations by the first respondent, is made out.

The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM,J

Date: 22.10.2007
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